



**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the preliminary hearing record and considering the parties' briefs, the Appeals Board finds as follows:

The only issue raised before the Administrative Law Judge was claimant's request for orthopedic surgeon Dr. C. Craig Satterlee to provide medical treatment for claimant's left shoulder injury. The Appeals Board has, on numerous other occasions, found that the preliminary hearing statute gives the administrative law judge authority to grant or deny the request for medical compensation pending a full hearing on the claim.<sup>1</sup> Thus, the Administrative Law Judge did not exceed his jurisdiction and the Appeals Board does not have jurisdiction to review the preliminary hearing Order for Medical Treatment.

**WHEREFORE**, the Appeals Board finds and concludes respondent's appeal should be dismissed as the Appeals Board is without jurisdiction to consider the issue raised by the respondent, and Administrative Law Judge Brad E. Avery's January 27, 2000, preliminary hearing Order for Medical Treatment should, and does, remain in effect as originally entered.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of May 2000.

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BOARD MEMBER

c: John J. Bryan, Topeka, KS  
Gregory D. Worth, Lenexa, KS  
Brad E. Avery, Administrative Law Judge  
Philip S. Harness, Director

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<sup>1</sup>See K.S.A. 1999 Supp. 44-534a.